

1 Rachel S. Doughty (Cal. Bar No. 255904)
rdoughty@greenfirerlaw.com
2 Cyrus J. Moshiri (Cal. Bar No. 315717)
cmoshiri@greenfirerlaw.com
3 GREENFIRE LAW, PC
2478 Adeline Street, Suite A
4 Berkeley, CA 94703
Ph/Fax: (510) 900-9502

Attorneys for Save Our Forest Association

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION – RIVERSIDE**

SAVE OUR FOREST ASSOCIATION, JNC.

Case No.: 5:24-cv-01336-JGB-DTB

**PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE IN
SUPPORT OF OPPOSITION TO
MOTION TO INTERVENE (ECF
38)**

Date: July 7, 2025

Time: 9:00 a.m.

Judge: Hon. Jesus G. Bernal

Dept: Courtroom 1, Riverside

Action Filed: June 25, 2024

Trial Date: March 31, 2026

1 Plaintiff SAVE OUR FOREST ASSOCIATION (“Plaintiff”) hereby requests
2 the Court take judicial notice of the documents listed below and authenticated in the
3 declarations of Rachel Doughty, Steve Loe, and Hugh Bialecki filed concurrently
4 with this request. Plaintiff makes this request pursuant to Federal Rules of Civil
5 Procedure 201(b), which authorizes a court to judicially notice a fact that is not
6 subject to a reasonable dispute because it (1) is generally known within the trial
7 court’s territorial jurisdiction; or (2) can be accurately and readily determined from
8 sources who accuracy cannot reasonably be questioned. Rule 201(c)(2) states the
9 Court must take judicial notice if a party requests it and the court is supplied with the
10 necessary information. Plaintiff’s request, and documents filed herewith in support of
11 this request, satisfy the requirements of Rule 201(c)(2) by providing this Court with
12 the materials for which notice is requested and arguments concerning the propriety of
13 taking judicial notice of the referenced documents pursuant to Rule 201(b).

14 **The Court Should Take Judicial Notice of Exhibits Listed in Table 1:
15 Government Records, Court Records, and Other Matters of Public Record**

16 Matters of public record are judicially noticeable. *Harris v. County of Orange*,
17 682 F.3d 1126, 1132-1133 (9th Cir. 2012) (public records, including documents on
18 file in court, are appropriate for judicial notice); *See also United States v. Ritchie*, 342
19 F.3d 903, 908-909 (9th Cir. 2003) (documents part of state administrative proceedings
20 can be judicially noticed as public records); *See also Paralyzed Veterans of America*

1 *v. McPherson*, No. C 06-4670 SBA, 2008 U.S. Dist. LEXIS 69542, *17 (N.D. Cal.
2 Sep. 8, 2008) (granting judicial notice of documents found on the Secretary of State's
3 website). Federal courts have found that “[p]ublic records and government documents
4 are generally considered not to be subject to reasonable dispute This includes
5 public records and government documents available from reliable sources on the
6 Internet.” *Id.* at *17-18 (quoting *United States ex rel. Dingle v. BioPort Corp.*, 270 F.
7 Supp. 2d 968, 972 (W.D. Mich. 2003)).

8 The documents listed below in **Table 1** are public records issued by a
9 government agency, issued by the court, filed with the court, or filed with the State
10 Water Resources Control Board. As such, the existence and authenticity of the
11 documents as records of those entities cannot be subject to reasonable dispute. The
12 facts contained in the documents may be subject to judicial notice, depending upon
13 the context of the individual documents—provided in the declarations authenticating
14 each. Judicial notice of documents listed in Table 1 below is therefore proper.

15 **TABLE 1**

No.	Authentication	Date	Document Title
1	Doughty Decl.	2/11/2020	Local Agency Formation Commission County of San Bernardino (“LAFCO”) Resolution No. 3088
2	Doughty Decl.	10/10/2006	LAFCO Staff Report 3053
4	Doughty Decl.	8/5/2022	Story of Stuff Project Closing Brief
5	Doughty Decl.	5/16/2022	Sur-Rebuttal Testimony of Gregory Allord (SoS 288)
6	Doughty Decl.	N/A	Curriculum Vitae of Gregory Allord

1	7	Doughty Decl.	N/A	Gregory Allord Slides
2	8	Doughty Decl.	Feb. 2023	Special Use Permit (“SUP”) No. FCD728503, issued to BTB
3	9	Doughty Decl.	Sept. 2005	USDA Land Management Plan, Part 1 San Bernardino National Forest (excerpts)
4	10	Doughty Decl.	N/A	USFS Handbook 2509.22 (excerpts)
5	11	Doughty Decl.	7/27/2018	USFS Decision Memo Regarding Nestle
6	12	Doughty Decl.	9/29/2023	USFS Letter to BTB Regarding 2021 Cease and Desist Order
7	13	Doughty Decl.	11/20/2023	Second USFS Letter to BTB Regarding 2021 Cease and Desist Order
8	14	Doughty Decl.	3/1/2024	USFS Letter to BTB Requesting Missing Information
9	15	Doughty Decl.	3/25/2024	USFS Letter to BTB Reiterating Request for Missing Information
10	16	Doughty Decl.	4/18/2024	USFS Letter to BTB Third Request for Missing Information
11	17	Doughty Decl.	4/24/2024	USFS Letter to BTB Fourth Request for Missing Information
12	18	Doughty Decl.	5/4/2024	USFS Letter to BTB Regarding Insufficient Information
13	19	Doughty Decl.	6/21/2024	USFS Second Letter to BTB Regarding Insufficient Information
14	20	Doughty Decl.	7/26/2024	USFS Notice to BTB Terminating SUP
15	24	Doughty Decl.	1/3/2025	Notice and Motion to Intervene of the Yuhaaviatam of San Manuel Nation; Memorandum of Points and Authorities; Motion for Order Shortening Time for Hearing (ECF 64)
17	25	Doughty Decl.	1/3/2025	Declaration of Paul Hamai In Support of Motion to Intervene and Motion for Preliminary Injunction (ECF 65-10)
18	26	Doughty Decl.	1/14/2025	Order Granting Yuhaaviatam of San Manuel Nation’s Motion to Intervene (ECF 91)

1			Declaration of Alexandra McCleary in Support of
27	Doughty Decl.	N/A	Motion to Intervene and motion for Preliminary Injunction
28	Doughty Decl.	8/24/2018	SUP No. FCD728501
29	Doughty Decl.	Aug. 2022	SUP No. FCD728502
30	Doughty Decl.	8/1/2023	SUP No. FCD728503
31	Doughty Decl.	12/11/2023	Letter Agreement Amending 80/20 Agreement During Interim Period (ECF 65-8)
A	Loe Decl.	12/17/2021	Declaration of Steve Loe
B	Loe Decl.	12/17/2021	Declaration of Steve Loe (SOS 031)
C	Loe Decl.	4/8/2022	Sur-Rebuttal Testimony of Steve Loe (SOS 282)
D	Loe Decl.	12/17/2021	Loe Sur-Rebuttal Slides (SOS 283)
2	Bialecki Decl.	11/18/2009	LAFCO Resolution No. 2942

9

10 **The Court Should Take Judicial Notice of Exhibits Listed in Table 2:
News Articles in The San Bernardino Sentinel and The Desert Sun**

11 A court may take judicial notice of news articles to indicate what was in the
12 public realm at the time. *Von Saher v. Norton Simon Museum of Art at Pasadena*,
13 592 F.3d 954, 960 (9th Cir. 2009) (citing *Premier Growth Fund v. Alliance Capital
Mgmt.*, 435 F.3d 396, 401 n. 15 (3d Cir. 2006)). Moreover, a court may take judicial
15 notice of published newspaper articles as evidence of events that are widely known
16 and would be capable of sufficiently accurate and ready determination. *Ritter v.
Hughes Aircraft Co.*, 58 F.3d 454, 458-459 (9th Cir. 1995). The documents listed
18 below in **Table 2** are news articles that include facts that would be generally known
19 and capable of ready determination. As such, the facts set forth within each document
20

1 are not subject to reasonable dispute and their accuracy cannot reasonably be
2 questioned. Judicial notice of documents listed in Table 2 below is thus proper.

3 **TABLE 2**

4			
5	3 Doughty Decl.	1/25/2019	“San Bernardino Sells its Share of Historic Del Rosa Mutual H20 Co. for Less than \$2,300” (San Bernardino Sentinel Article)
6	21 Doughty Decl.	10/14/2021	“Arrowhead Bottler: Most Water Piped from National Forest is Returned to Ground or Supplied to Tribe” (Desert Sun Article)
7	32 Doughty Decl.	5/20/2016	“San Manuel Buys Landmark Arrowhead Springs Property in San Bernardino” (Desert Sun Article)
8			

9 **The Court Should Take Judicial Notice of Exhibits Listed in Table 3:
10 Public Records Made Available by Government Entities**

11 Information made publicly available by government entities is appropriate for
12 judicial notice. *Daniels-Hall v. Nat'l Ethic. Ass'n*, 629 F.3d 992, 998 (9th Cir. 2010).
13 Exhibit 22, attached to the Declaration of Rachel Doughty, and Exhibit 1, attached to
14 the Declaration of Hugh Bialecki, are business records sent by BTB and the San
15 Manuel Tribe to governmental agencies. The other documents listed in **Table 3**
16 below include public records that are made available by, or were obtained from,
17 federal, state and local government entities. As such, the documents are not subject to
18 reasonable dispute and their accuracy cannot reasonably be questioned. Thus, judicial
19 notice of documents listed in Table 3 below is proper.

1 TABLE 3

22	Doughty Decl.	5/14/2024	BTB Letter to USFS Regarding SUP Termination
E	Loe Decl.	2/23/2015	Loe Letter to SBNF Regarding Strawberry Creek Emergency
F	Loe Decl.	1/31/1987	1986 Water Rights Report
G	Loe Decl.	Sept. 1987	1987 Water Rights Report
1	Bialecki Decl.	2/10/22	Email from San Manuel Tribe to State Water Resources Control Board
3	Bialecki Decl.	2023	Water Extraction Recordation for Arrowhead
4	Bialecki Decl.	2016-2021	Prior Water Extraction Records for Arrowhead

8 For the foregoing reasons, Plaintiff respectfully requests this Court take
9 judicial notice of the exhibits accompanying this Request for Judicial Notice.

10
11 Dated: June 16, 2025

Respectfully Submitted,

12 By: 
13 GREENFIRE LAW, PC
14 Rachel S. Doughty
15 Attorneys for Save Our Forest
16 Association
17
18
19
20
21